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March 4, 2010

VIA ECF:

The Honorable Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

RE: Hopkins et al v. National Railroad Passenger Corporation et al.,  
Case No: 1:08-cv-2965-NGG-RML

Dear Magistrate Judge Levy:

We represent the plaintiffs, Brian Hopkins, Liana Hopkins and Sean Hopkins in this matter. I am writing in response to defendants' March 1, 2010 letter.

I am not involved in the Klein/Birdwell matter as defendants' counsel is, and I was not aware that Judge Stengel's March 31, 2008 Order denying defendants' post trial motion was eventually vacated.

The fact that the March 31, 2008 Order was vacated does not change that Judge Stengel Ordered the documents and information discussed at our hearing produced during discovery in that case, the documents and information were compiled, presumably indexed and/or stamped and produced. In addition, some subset of the information produced was indeed admitted as evidence during the Klein/Birdwell trial.

Thus, for purposes of plaintiffs' motion in this case, I submit that the fact that Judge Stengel's March 31, 2008 Order was vacated is irrelevant.

Thank you for your courtesy and cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. X. Pollock".

Russell X. Pollock

cc: Cristi L. Luckow, Esq.